

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS

-----X
KENYATTI JORDAN,

Petitioner,

Civil Action No. 04-10925 NG

vs.

THOMAS REILLY,

Respondent.
-----X

ANSWER AND AFFIRMATIVE DEFENSES

Pursuant to Rule 5 of the Governing Section 2254 Cases, the respondent, Thomas Reilly, answers the numbered paragraphs of the petition for writ of habeas corpus as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. The respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the petition for writ of habeas corpus and calls upon petitioner to prove same.

11. Left blank by the petitioner.
12. With respect to the allegations of fact contained in paragraphs 12(A-B) of the petition, the respondent states that the state court record speaks for itself. The respondent denies each and every allegation of fact that does not comport exactly with the state court record of the petitioner's criminal proceedings or with the Massachusetts Supreme Judicial Court's recitation of the facts. To the extent that paragraph 12(A-B) of the petition for writ of habeas corpus contain conclusions of law, they require no response.
13. Left blank by the petitioner.
14. The respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the writ of habeas corpus and calls upon the petitioner to prove same.
15. Admitted.
16. Admitted.
17. The respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the writ of habeas corpus and calls upon the petitioner to prove same.

(Continued on next page . . .)

AS A FURTHER ANSWER to the petition for a writ of habeas corpus, the respondent files herewith a Supplemental Answer, which contains copies of the following documents:

1. Docket Sheet, *Commonwealth v. Kenyatti Jordan*, Suffolk County Superior Court Criminal Actions No. 1997-10285;
2. Defendant's Motion to Suppress Statements in *Commonwealth v. Kenyatti Jordan*;
3. Memorandum of Decision on Defendant's Motions to Suppress Statements in *Commonwealth v. Kenyatti Jordan*,
4. Brief and Record Appendix for the Defendant-Appellant, *Commonwealth v. Kenyatti Jordan*, Massachusetts Supreme Judicial Court No. 2002-08581;
5. Brief for the Commonwealth, *Commonwealth v. Kenyatti Jordan*, Massachusetts Supreme Judicial Court No. 2002-08581;
6. *Commonwealth v. Kenyatti Jordan*, 439 Mass. 47 (2003).


AFFIRMATIVE DEFENSES

First Affirmative Defense

The petition fails to state a claim upon which relief may be granted.

Respectfully submitted,

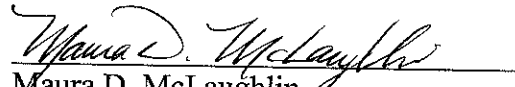
THOMAS F. REILLY,
ATTORNEY GENERAL


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Dated: July 2, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon counsel for the petitioner, Kenyatti Jordan, on July 2, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, as follows: Robert L. Sheketoff, Attorney at Law, One McKinley Square, Boston, Massachusetts, 02109.


Maura D. McLaughlin